

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

WOODROW BALL, Executor of the
Estate of BARBARA BALL, deceased,

Plaintiff,
v.

PHILIP MORRIS INC.; LIGGETT &
MYERS, INC.; LIGGETT GROUP,
INC.; BROOKE GROUP, INC.; R. J.
REYNOLDS TOBACCO COMPANY and
BROWN & WILLIAMSON TOBACCO
CORPORATION,

Defendants.

STIPULATION AND ORDER OF DISMISSAL

Now come the plaintiff, by counsel, and the defendants, by counsel, pursuant to FRCP 41(a)(1)(ii), and hereby stipulate and agree to the dismissal of this matter without prejudice, with all parties to bear their own attorneys fees, expenses and costs; provided, further, that the parties stipulate and agree that in the event any claim arising out of the use of any tobacco product by the decedent, Barbara Ball, shall be later made in any court of record or before any administrative tribunal, then the defendants herein shall each be entitled to seek the recovery of all of the attorneys fees, expenses and cost respectively incurred by them in defense of this case. Accordingly, the Stipulation of the parties is approved and it is hereby ORDERED that this civil action be dismissed without prejudice.

ENTERED

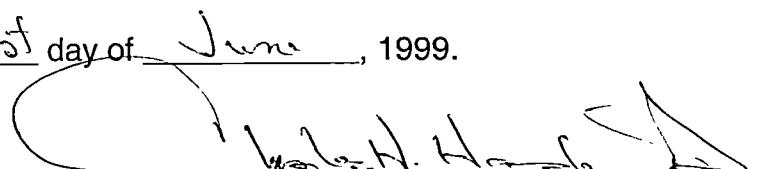
JUN - 1 1999

SAMUEL L. KAY, CLERK
U. S. District & U. S. Court of Appeals
Southern District of West Virginia

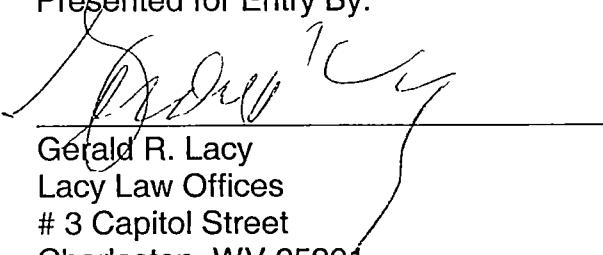
Civil Action No. 2:97-0867
(Chief Judge Haden)

It is further ORDERED that the Clerk send certified copies of this Order to all counsel of record and that this matter be removed from the Court's docket.

ENTERED this 1st day of June, 1999.


Charles H. Haden II, Chief Judge

Stipulated, Agreed To and
Presented for Entry By:


Gerald R. Lacy
Lacy Law Offices
3 Capitol Street
Charleston, WV 25301
(304) 344-3532
Counsel for Plaintiff


P. Michael Pleska
Fazal A. Shere
Bowles Rice McDavid Graff & Love
600 Quarrier Street
P. O. Box 1386
Charleston, WV 25325-1386
(304) 347-1100
Counsel for R.J. Reynolds Tobacco Company


Kenneth E. Knopf
Benjamin T. Hughes
Pullin, Knopf, Fowler & Flanagan
1000 Bank One Center
707 Virginia Street, East
Charleston, WV 25301
**Counsel for Liggett Group, Inc.;
Liggett & Myers, Inc.;
Brooke Group, Limited**


Pamela L. Kandzari
Michele M. Price
Allen, Guthrie & McHugh
1300 Bank One Center
P. O. Box 3394
Charleston, WV 25333-3394
Counsel for Philip Morris Incorporated


W. Henry Jernigan
Gretchen M. Callas
Jackson & Kelly
1600 Laidley Tower
P. O. Box 553
Charleston, WV 25322-0553
Counsel for Brown & Williamson Tobacco Corporation